



Paper No. 8

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**AUG 13 2002**

**OFFICE OF PETITIONS**

In re Application of  
Paul J. Rudeck et al.  
Application No. 10/072,015  
Filed: February 7, 2002  
Attorney Docket No. MIO 0053 VA

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: DECISION REFUSING STATUS  
: UNDER 37 CFR 1.47(a)  
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This is in response to the request for reconsideration under 37 CFR 1.47(a), filed on July 8, 2002.

The petition is again dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on February 7, 2002 without an executed oath or declaration and a petition to accord 37 CFR 1.47 in the absence of inventor Francis Benistant's signature.

The petition filed February 7, 2002 was dismissed in a decision mailed June 19, 2002.<sup>1</sup>

In response, on July 8, 2002, petitioner filed the present renewed petition under 37 CFR 1.47(a), with copies of a November 22, 2000 letter addressed to Mr. Benistant at his last known address, dispatching the application papers to him. Additional proof consists of a copy of the envelope, returned by the postal service with a notation that "no such address" exists and an indication that an Internet search for the inventor provided no additional information as to the whereabouts of Mr. Benistant.

We would reiterate that 37 CFR 1.47(a) requires a diligent effort be made to locate the non-signing inventor and maintain that petitioner has still not submitted sufficient evidence to prove that diligent efforts have been made to locate and obtain the

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<sup>1</sup>Petitioner, *inter alia*, failed to submit sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor.

signature of the non-signing inventor.

Petitioners should verify the information provided concerning the last known address and resend the application packet to Mr. Benistant. We would suggest that the Internet databases used to locate Mr. Benistant are not the most reliable sources for locating an individual.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

A handwritten signature in cursive script that reads "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy